

PROSKAUER ROSE LLP  
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(212) 969-3000  
*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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JANNIE PILGRIM, GIOVANNA HENSON,	:	
JESAN SPENCER, BRENDA CURTIS,	:	Civil Action No.: 07-6618 (CM) (AJP)
	:	
Plaintiffs,	:	
	:	
against	:	
	:	
THE MCGRAW-HILL COMPANIES, INC.,	:	
	:	
Defendant.	:	
-----	X	

**DEFENDANT’S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORMS**

Defendant The McGraw-Hill Companies, Inc. (“Defendant” or “McGraw-Hill”), by and through its undersigned counsel, submits the attached Supplemental Proposed Special Verdict Forms.

Defendant contends that the jury should not be charged on punitive damages. Should the Court instruct the jury on punitive damages, however, Defendant requests that the trial be bifurcated and that the jury hear evidence regarding, and be charged on, punitive damages only after a finding, if any, of liability and compensatory damages. Defendant submits the attached supplemental proposed special verdict forms in the event the Court charges the jury on punitive damages.

Respectfully submitted,

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(212) 969-3000  
grasin@proskauer.com

By: /s/ Gregory I. Rasin  
Gregory I. Rasin  
Elise M. Bloom  
Steven D. Hurd

ATTORNEYS FOR DEFENDANT

Dated: June 27, 2008  
New York, New York

PROSKAUER ROSE LLP  
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	:	
Defendant.	:	
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**DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM**  
**FOR PLAINTIFF PILGRIM'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

**I. AS TO PLAINTIFF PILGRIM.**

**A. AS TO PUNITIVE DAMAGES, IF ANY.**

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Pilgrim's federally-protected right to be free from race discrimination?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.*

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, do not answer any further questions and report to the Court. If your answer is NO, proceed to Question No. 3.*

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Pilgrim's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$\_\_\_\_\_.

*Sign the verdict form below and report to the Court.*

**DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008:**

\_\_\_\_\_  
**Foreperson**

**END OF VERDICT FORM**

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Plaintiffs,	:	
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against	:	
	:	
THE MCGRAW-HILL COMPANIES, INC.,	:	
	:	
Defendant.	:	
-----	X	

**DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM**  
**FOR PLAINTIFF CURTIS'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

**I. AS TO PLAINTIFF CURTIS.**

**A. AS TO PUNITIVE DAMAGES, IF ANY.**

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Curtis's federally-protected right to be free from race discrimination?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.*

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, do not answer any further questions and report to the Court. If your answer is NO, proceed to Question No. 3.*

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Curtis's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$\_\_\_\_\_.

*Sign the verdict form below and report to the Court.*

**DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008:**

\_\_\_\_\_  
**Foreperson**

**END OF VERDICT FORM**

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against :   
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THE MCGRAW-HILL COMPANIES, INC., :   
:   
Defendant. :   
----- X

**DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM**  
**FOR PLAINTIFF HENSON'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

**I. AS TO PLAINTIFF HENSON.**

**A. AS TO PUNITIVE DAMAGES, IF ANY.**

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Henson's federally-protected right to be free from race discrimination?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.*

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, do not answer any further questions and report to the Court. If your answer is NO, proceed to Question No. 3.*

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Henson's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$\_\_\_\_\_.

*Sign the verdict form below and report to the Court.*

**DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008:**

\_\_\_\_\_  
**Foreperson**

**END OF VERDICT FORM**



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Plaintiffs, :   
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against :   
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THE MCGRAW-HILL COMPANIES, INC., :   
:   
Defendant. :   
----- X

**DEFENDANT'S SUPPLEMENTAL PROPOSED SPECIAL VERDICT FORM**  
**FOR PLAINTIFF SPENCER'S CLAIMS**

WE, THE JURY, do unanimously find by the preponderance of the evidence as follows:

**I. AS TO PLAINTIFF SPENCER.**

**A. AS TO PUNITIVE DAMAGES, IF ANY.**

1. Do you find, by a preponderance of the evidence, that a higher management official of McGraw-Hill consciously acted with malice or reckless indifference to Ms. Spencer's federally-protected right to be free from race discrimination?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, proceed to Question No. 2. If your answer is NO, do not answer any further questions and report to the Court.*

2. Do you find that Defendant McGraw-Hill has proven, by a preponderance of the evidence, that (a) McGraw-Hill acted in a good faith attempt to comply with the law by adopting policies and procedures designed to prohibit discrimination in the workplace; and (b) McGraw-Hill made a good faith effort to enforce these policies and procedures?

YES \_\_\_\_\_ NO \_\_\_\_\_

*If your answer is YES, do not answer any further questions and report to the Court.  
If your answer is NO, proceed to Question No. 3.*

3. If your answer to both (a) and (b) of Question No. 2 is NO, Ms. Spencer's punitive damages against Defendant McGraw-Hill, **if any**, are in the amount of \$\_\_\_\_\_.

*Sign the verdict form below and report to the Court.*

**DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008:**

\_\_\_\_\_  
**Foreperson**

**END OF VERDICT FORM**